

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES A. FULLER, SR.,	)	
	)	Civil Action No. 05 - 1645
Petitioner,	)	
	)	Judge Thomas H. Hardiman /
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
ATTORNEY GENERAL OF THE STATE	)	
OF PENNSYLVANIA,	)	
	)	
Respondent.	)	

**ORDER**


Petitioner filed a Motion for Judgment (Doc. No. 6) on March 29, 2006, even though an Answer to Writ of Habeas Corpus (Doc. No. 5) was filed March 13, 2006. The Court assumes that Petitioner's motion was filed as the answer was almost three months late. A review of the answer, however, shows that the Attorney General is, in fact, the wrong party to be served in this case. The correct party, unnamed in this petition, is the District Attorney of Fayette County. Therefore,

**IT IS ORDERED** this 5<sup>th</sup> day of April, 2006, that the Motion for Judgment (Doc. No. 6) filed on March 29, 2006 is **DENIED**.

**IT IS FURTHER ORDERED** that Petitioner file an amended petition naming all of the correct Respondents, including the District Attorney of Fayette County.

**IT IS FURTHER ORDERED** that the amended petition shall be filed no later than April 30, 2006. Failure to file an amended petition by April 30, 2006 may result in a recommendation to the District Judge that this Petition be dismissed for failure to prosecute.

**IT IS FURTHER ORDERED** that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

  
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Lisa Pupo Lenihan  
U.S. Magistrate Judge

cc: CHARLES A. FULLER, SR.  
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